

Atty. Dkt. No. 023829-0257

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicants: van de Ligt et al.

Title: SYSTEM FOR AND METHOD  
OF CUSTOMIZING AN ANIMAL  
FEED BASED ON NUCLEIC  
ACID MATERIAL CONTENT

Appl. No.: 10/656,990

Filing Date: 9/5/2003

Examiner: Von Buhr, Maria N.

Art Unit: 2862

Confirmation Number: 9712

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, CAN Technologies, Inc., having its principal place of business at 12900 Whitewater Dr., Minnetonka, Minnesota 55343, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application No. 10/656,990, filed 09/5/2003, which is a continuation of U.S. Patent Application No. 10/175,512, filed 06/19/2002, by virtue of an Assignment filed and recorded on 09/08/2003, on Reel/Frame 014460/0950, in the United States Patent and Trademark Office. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,658,308, which issued on U.S. Patent Application No. 10/175,512, filed 06/19/2002, by virtue of an Assignment filed and recorded on 09/08/2003, on Reel/Frame 014460/0950, in the United States Patent and Trademark Office.

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Your Petitioner, CAN Technologies, Inc., hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,658,308, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,658,308 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,658,308 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,658,308 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,658,308 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,658,308, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned (whose title is supplied below) certifies that he is empowered to sign this Terminal Disclaimer on behalf of the assignee, and to the best of his knowledge and belief, legal title to the above identified patent application and U.S. Patent 6,658,308 rests with Petitioner, CAN Technologies, Inc. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful

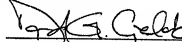
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false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Date

April 7, 2008

Respectfully submitted,

CAN TECHNOLOGIES, INC.

By:

David G. Gersht

Name:

Title:

President